

Message Text

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC NIACT IMMEDIATE 5721

UNCLAS SECTION 1 OF 5 CARACAS 8586

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: STEVENSON TESTIMONY FOR SEPTEMBER 5

FROM US DEL LOS

FOR D/LOS, L, IO, EB, AND S/FW FROM STEVENSON, MOORE
AND OXMAN FOR DELIVER TO D/LOS NINE A.M. MONDAY SEPT TWO

DEPT PASS BY OPENING OF BUSINESS SEPTEMBER 3 TO
DOD (FRENCH, MORRIS); INTERIOR (RATNER, ELLIOT);
COMMERCE (POLLOCK, TAFT); TRANSPORTATION (YOUNG);
TREASURY (JOHNSTON); OMB (FOX); NSF (WULF); CEQ (COOK);
EPA (MCMANUS)

1. THE FOLLOWING IS DRAFT TESTIMONY REPRODUCING ON THE
CARACAS SESSION OF THE LAW OF THE SEA CONFERENCE, FOR
USE BEFORE SENATE FOREIGN RELATIONS COMMITTEE SEPT. 5.

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LOS TASK FORCE COMMENTS AND CLEARANCE SHOULD BE

DELIVERED TO D/LOS (ESKIN) BY COB SEPTEMBER 3. MR. MOORE
AND I WILL WISH TO REVIEW FINAL DRAFT SEPTEMBER 4.

2. BEGIN TEXT. STATEMENT BY AMBASSADOR JOHN R. STEVENSON,
SPECIAL REPRESENTATIVE OF THE PRESIDENT AND CHAIRMAN OF
UNITED STATES DELEGATION TO THE THIRD UNITED NATIONS LAW
OF THE SEA CONFERENCE, BEFORE THE SENATE FOREIGN
RELATIONS COMMITTEE HEARINGS ON S. 1988, "EMERGENCY MARINE
FISHERIES PROTECTION ACT OF 1974," SEPTEMBER 5, 1974.

MR. CHAIRMAN,

IT IS A DISTINCT PRIVILEGE TO APPEAR BEFORE THE
SENATE FOREIGN RELATIONS COMMITTEE TO REPORT ON THE
PROGRESS MADE AT THE FIRST SUBSTANTIVE SESSION OF THE
THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA
HELD IN CARACAS, VENEZUELA, FROM JUNE 20 TO AUGUST 29,
1974.

BEFORE PROCEEDING WITH THIS REPORT, I WOULD LIKE TO
SAY HOW MUCH WE APPRECIATED THE ATTENDANCE AT THE
CONFERENCE OF THREE MEMBERS OF THIS COMMITTEE, SENATORS
CLIFFORD CASE, EDMUND MUSKIE, AND CLAIRBORNE PELL, AS
WELL AS MEMBERS OF THEIR AND THE COMMITTEE'S STAFFS.
WE ARE DEEPLY GRATEFUL FOR THEIR WILLINGNESS TO ATTEND THE
CONFERENCE AND FOR THE ADVICE AND ASSISTANCE THAT THEY
AND OTHER MEMBERS OF THE COMMITTEE HAVE GIVEN TO OUR
EFFORTS TO ACHIEVE AN AGREED CONSTITUTION AND SUPPORTING
LEGAL REGIME FOR TWO-THIRDS OF THIS PLANET. IT HAS BEEN
AND WILL REMAIN A FUNDAMENTAL PART OF OUR POLICY TO
WORK CLOSELY WITH THE CONGRESS AND THIS COMMITTEE TO
ACHIEVE A LAW OF THE SEA TREATY THAT FULLY PROTECTS THE
BASIC INTERESTS OF THE UNITED STATES.

A MOST SIGNIFICANT RESULT OF THE CARACAS SESSION HAS
BEEN THE AGREEMENT OF ALMOST ALL NATIONS REPRESENTED
THERE THAT THE INTERESTS OF ALL WILL BE BEST SERVED BY
AN ACCEPTABLE AND TIMELY TREATY. TO THAT END, THE
CONFERENCE HAS SCHEDULED NOT ONLY THE NEXT SESSION IN
THE SPRING IN GENEVA, BUT A RETURN TO CARACAS FOR THE
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SIGNING OF THIS AGREEMENT IN THE EXPECTATION THAT THIS
WILL TAKE PLACE IN ACCORDANCE WITH THE UNITED NATIONS
TIMETABLE. THAT TIMETABLE PROVIDES FOR CONCLUSION OF
THE TREATY IN 1975.

THE CONSENSUS REACHED ON THE RULES OF PROCEDURE EARLY
IN THE SESSION IS CLEAR EVIDENCE OF THIS DESIRE TO
ACHIEVE A WIDELY-ACCEPTABLE TREATY. THESE RULES MAKE

SEVERAL CHANGES IN NORMAL PROCEDURES THAT ARE DESIGNED TO PROMOTE WIDESPREAD AGREEMENT.

THE TONE OF THE GENERAL DEBATE AND THE INFORMAL MEETINGS WAS MODERATE AND SERIOUS. I AM SURE THE MEMBERS OF CONGRESS WHO WERE WITH US WILL AGREE THAT THE DELEGATES FROM ALL REGIONS WORKED HARD. THREE OR FOUR SIMULTANEOUS MEETINGS WERE COMMON AND THERE WERE SOME NIGHT SESSIONS. THE NUMBER OF PAPERS WORKED ON WAS ENORMOUS, BUT THIS TIME THE OBJECT--LARGELY ACHIEVED--WAS ORGANIZING AND REDUCING THE ALTERNATIVES, NOT PROLIFERATING THEM.

OTHER ACCOMPLISHMENTS OF THE SESSION ARE CONSIDERABLE. AMONG THE MOST IMPORTANT ARE THE FOLLOWING:

(A) THE VAST ARRAY OF CIRITICAL LAW OF THE SEA ISSUES AND PROPOSALS WITHIN THE MANDATE OF COMMITTEE II--INCLUDING AMONG OTHERS THE TERRITORIAL SEA, ECONOMIC ZONE, STRAITS, FISHERIES AND THE CONTINENTAL MARGIN--WAS ORGANIZED BY THE COMMITTEE INTO A COMPREHENSIVE SET OF INFORMAL PAPERS CONTAINING PRECISE TREATY TEXTS REFLECTING MAIN TRENDS ON EACH PRECISE ISSUE. ALL STATES CAN NOW FOCUS ON EACH ISSUE, AND THE ALTERNATIVE SOLUTIONS, WITH RELATIVE EASE. A SIMILAR DEVELOPMENT OCCURRED WITH RESPECT TO MARINE SCIENTIFIC RESEARCH IN COMMITTEE III. COMMITTEE I, DEALING WITH THE NOVEL SUBJECT OF A LEGAL REGIME FOR EXPLOITING THE DEEP SEABED, REFINED THE ALTERNATIVE TEXTS THAT HAD PREVIOUSLY BEEN AGREED IN THE PREPARATORY COMMITTEE.

(B) THE TRANSITION FROM A PREPARATORY COMMITTEE OF ABOUT 90 TO A CONFERENCE OF ALMOST 150, INCLUDING MANY NEWLY INDEPENDENT STATES, WAS ACHIEVED WITHOUT MAJOR UNCLASSIFIED

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NEW STUMBLING BLOCKS AND A MINIMUM OF DELAY.

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC NIACT IMMEDIATE 5722

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(C) THE INCLUSION IN THE TREATY OF A 12-MILE TERRITORIAL SEA AND A 200-MILE ECONOMIC ZONE WAS ALL BUT FORMALLY AGREED, SUBJECT OF COURSE TO ACCEPTABLE RESOLUTION OF OTHER ISSUES, INCLUDING UNIMPEDED TRANSIT OF STRAITS. ACCORDINGLY, EXPANDED COASTAL STATE JURISDICTION OVER LIVING AND NON-LIVING RESOURCES APPEARS ASSURED AS PART OF THE COMPREHENSIVE TREATY.

(D) WITH RESPECT TO THE DEEP SEABEDS, THE FIRST STEPS HAVE BEEN TAKEN INTO REAL NEGOTIATION OF THE BASIC QUESTIONS OF THE SYSTEM OF EXPLOITATION AND THE CONDITIONS OF EXPLOITATION.

(E) TRADITIONAL REGIONAL AND POLITICAL ALIGNMENTS OF STATES ARE BEING REPLACED BY INFORMAL GROUPS WHOSE MEMBERSHIP IS BASED ON SIMILARITIES OF INTEREST ON A PARTICULAR ISSUE. THIS HAS GREATLY FACILITATED CLARIFICATION OF ISSUES, AND IS NECESSARY FOR FINDING EFFECTIVE ACCOMMODATIONS.
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(F) THE NUMBER AND TEMPO OF PRIVATE MEETINGS HAS INCREASED CONSIDERABLY, AND MOVED BEYOND FORMAL POSITIONS. THIS IS ESSENTIAL TO A SUCCESSFUL NEGOTIATION. OF COURSE, BY THEIR VERY NATURE, THE RESULTS OF SUCH MEETINGS CANNOT BE DISCUSSED PUBLICLY.

WITH FEW EXCEPTIONS, THE CONFERENCE PAPERS

NOW MAKE IT CLEAR WHAT THE STRUCTURE AND GENERAL CONTENT OF THE TREATY WILL BE. THE ALTERNATIVES TO CHOOSE FROM, AND THE BLANKS TO BE FILLED IN, AND EVEN THE RELATIVE IMPORTANCE ATTACHED TO DIFFERENT ISSUES, ARE WELL KNOWN.

WHAT WAS MISSING IN CARACAS WAS SUFFICIENT POLITICAL WILL TO MAKE HARD NEGOTIATING CHOICES. A PRINCIPAL REASON FOR THIS WAS THE CONVICTION THAT THIS WOULD NOT BE THE LAST SESSION. THE ABSENCE PRIOR TO THE COMPLETION OF THIS SESSION OF ORGANIZED ALTERNATE TREATY TEXTS ON MANY ISSUES ALSO INHIBITED SUCH DECISION-MAKING.

THE NEXT STEP IS FOR GOVERNMENTS TO MAKE THE POLITICAL DECISIONS NECESSARY TO RESOLVE A SMALL NUMBER OF CRITICAL ISSUES. IN SHORT, WE MUST NOW MOVE FROM THE TECHNICAL DRAFTING AND NEGOTIATING STAGE AT THIS SESSION WHICH HAS LAID BARE BOTH THE OUTLINES OF AGREEMENT AND THE DETAILS OF DISAGREEMENT, TO THE HIGHEST POLITICAL LEVELS, INVOLVING HEADS OF STATES THEMSELVES, TO MAKE COMPROMISE ON THESE CRITICAL ISSUES POSSIBLE.

THE FUNDAMENTAL PROBLEM IS THAT MOST STATES BELIEVE THE MAJOR DECISIONS MUST BE PUT TOGETHER IN A SINGLE PACKAGE. EVERY STATE HAS DIFFERENT PRIORITIES, AND AGREEMENT ON ONE ISSUE IS FREQUENTLY CONDITIONED ON AGREEMENT ON ANOTHER. THUS, IT MIGHT HAVE BEEN POSSIBLE-- AND MIGHT HAVE BEEN HELPFUL TO THE EXECUTIVE BRANCH IN ITS EFFORTS HERE TODAY--TO ADOPT A GENERAL DECLARATION OF PRINCIPLES IN CARACAS ENDORSING, AMONG OTHER THINGS, A 12-MILE TERRITORIAL SEA AND A 200-MILE ECONOMIC ZONE. OUR DELEGATION OPPOSED SUCH AN IDEA, BECAUSE IT WOULD HAVE DIVERTED US FROM NEGOTIATING THE KEY DETAILS

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THAT CAN SPELL THE DIFFERENCE BETWEEN AGREEMENT AND NO AGREEMENT, AND BECAUSE OUR WILLINGNESS TO SUPPORT SUCH CONCEPTS IS ALSO CONDITIONED ON SATISFACTORY RESOLUTION OF OTHER ISSUES, INCLUDING UNIMPEDED PASSAGE OF STRAITS. IN CHOOSING TO CONCENTRATE ON PRECISE TEXTS AND ALTERNATIVES, ALL OF US IN CARACAS KNEW WE WERE IN FACT BEST PROMOTING WIDESPREAD AGREEMENT ON SCHEDULE, BUT THAT THE ABSENCE OF TANGIBLE SYMBOLS OF AGREEMENT WOULD PLACE US IN A POLITICALLY DIFFICULT SITUATION BETWEEN SESSIONS.

IN HIS CLOSING STATEMENT BEFORE THE CARACAS SESSION, THE PRESIDENT OF THE CONFERENCE, RECOGNIZING THE PROBLEM, STATED, "WE SHOULD RESTRAIN OURSELVES IN THE FACE OF THE TEMPTATION TO TAKE UNILATERAL ACTION." AND THEN URGED STATES TO PREPARE TO REACH AGREEMENT "WITHOUT DELAY"

SINCE GOVERNMENTS CANNOT BE EXPECTED TO EXERCISE
"INFINITE PATIENCE."

WE REGRET THAT FOR A VARIETY OF REASONS THE
CONFERENCE WAS UNABLE TO CAPITALIZE UPON THE INITIAL,
PREVAILING GOOD WILL TO PRODUCE A FINAL TREATY AT THE
CARACAS SESSION. NEVERTHELESS, THE POLITICAL PARAMETERS
OF AN OVERALL AGREEMENT WERE MADE MUCH CLEARER AT
CARACAS AND WE ARE AT THE STAGE WHERE DIFFERENCES IN
APPROACHES ARE EMBODIED IN SPECIFIC TREATY ARTICLES
EXPRESSED AS ALTERNATIVE FORMULATIONS ON ALMOST ALL THE
MAJOR ISSUES.

ON JULY 11 AT A PLENARY SESSION, WE NOTED THERE WAS
A GROWING CONSENSUS ON THE LIMITS OF NATIONAL JURISDICTION.
THESE WERE: "A MAXIMUM OUTER LIMIT OF 12 MILES FOR THE
TERRITORIAL SEA AND OF 200 MILES FOR THE ECONOMIC
ZONE...CONDITIONED ON A SATISFACTORY OVERALL TREATY
PACKAGE AND, MORE SPECIFICALLY, ON PROVISIONS FOR UN-
IMPEDED TRANSIT OF INTERNATIONAL STRAITS AND A BALANCE
BETWEEN COASTAL STATE RIGHTS AND DUTIES WITHIN THE
ECONOMIC ZONE." TO PROMOTE NEGOTIATIONS ON THE ESSENTIAL
BALANCE OF COASTAL STATE RIGHTS AND DUTIES THE UNITED
STATES SUBMITTED DRAFT ARTICLES PROPOSING THE

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O 011500Z SEP 74

FM AMEMBASSY CARACAS
TO SECSTATE WASHDC NIACT IMMEDIATE 5723

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ESTABLISHMENT OF A 200-MILE ECONOMIC ZONE IN THE
TREATY. THE U.S. DRAFT ARTICLES CONSIST OF THREE
SECTIONS: THE ECONOMIC ZONE, FISHING, AND THE
CONTINENTAL SHELF.

THE ECONOMIC ZONE SECTION PROVIDES FOR A 200-MILE
OUTER LIMIT WITH COASTAL STATE SOVEREIGN AND EXCLUSIVE
RIGHTS OVER RESOURCES, EXCLUSIVE RIGHTS OVER DRILLING
AND ECONOMIC INSTALLATIONS, AND OTHER RIGHTS AND
DUTIES REGARDING SCIENTIFIC RESEARCH AND
POLLUTION TO BE SPECIFIED. THERE WOULD BE COASTAL STATE
ENVIRONMENTAL DUTIES WITH RESPECT TO INSTALLATIONS AND
SEABED ACTIVITIES. ALL STATES WOULD ENJOY FREEDOM
OF NAVIGATION AND OTHER RIGHTS RECOGNIZED BY INTER-
NATIONAL LAW WITHIN THE ECONOMIC ZONE.

THE FISHING SECTION GIVES THE COASTAL STATE EXCLUSIVE
RIGHTS FOR THE PRUPOSE OF REGULATING FISHING IN THE 200-MILE
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ECONOMIC ZONE, SUBJECT TO A DUTY TO CONSERVE AND TO
ENSURE FULL UTILIZATION OF FISHERY STOCKS. IN SUBSTANCE,
THERE IS NO SIGNIFICANT DIFFERENCE BETWEEN THE
OBJECTIVES OF S. 1988 AND THE UNITED STATES PROPOSAL AT
THE CONFERENCE. FISHING FOR ANADROMOUS SPECIES BEYOND
THE 12-MILE TERRITORIAL SEA WOULD BE PROHIBITED EXCEPT
AS AUTHORIZED BY THE HOST STATE. HIGHLY MIGRATORY
SPECIES SUCH AS TUNA WOULD BE REGULATED BY THE COASTAL
STATE IN THE ZONE, AND BY THE FLAG STATE OUTSIDE THE
ZONE, IN BOTH CASES IN ACCORDANCE WITH REGULATIONS
ESTABLISHED BY APPROPRIATE INTERNATIONAL OR REGIONAL
ORGANIZATIONS. MEMBERSHIP IN THE ORGANIZATION WOULD BE
MANDATORY AND THE COASTAL STATE WOULD RECEIVE REASONABLE
FEES FOR THE HIGHLY MIGRATORY FISH CAUGHT IN THE
ZONE BY FOREIGN VESSELS. THE INTERNATIONAL ORGANIZATION
IN ESTABLISHING EQUITABLE ALLOCATION REGULATIONS, WOULD
BE OBLIGATED TO ENSURE FULL UTILIZATION OF THE RESOURCE
AND TO TAKE INTO ACCOUNT THE SPECIAL INTERESTS
OF THE COASTAL STATES WITHIN WHOSE ECONOMIC ZONES
HIGHLY MIGRATORY FISH ARE CAUGHT.

THE CONTINENTAL SHELF SECTION PROVIDES FOR COASTAL
STATE SOVEREIGN RIGHTS OVER EXPLORATION AND EXPLOITATION
OF CONTINENTAL SHELF RESOURCES. THE CONTINENTAL SHELF IS
DEFINED AS EXTENDING TO THE LIMIT OF THE ECONOMIC ZONE

OR BEYOND TO A PRECISELY DEFINED OUTER LIMIT OF THE CONTINENTAL MARGIN. THE COASTAL STATE WOULD HAVE A DUTY TO RESPECT THE INTEGRITY OF FOREIGN INVESTMENT ON THE SHELF AND TO MAKE SOME PAYMENTS AT MODEST AND UNIFORM RATE FROM MINERAL RESOURCE EXPLOITATION AVAILABLE FOR INTERNATIONAL COMMUNITY PURPOSES, PARTICULARLY FOR THE ECONOMIC BENEFIT OF DEVELOPING COUNTRIES. THE REVENUE-SHARING AREA WOULD BEGIN SEAWARD OF 12 MILES OR 200 METERS WATER DEPTH, WHICHEVER IS FURTHER SEAWARD.

THE DRAFT ARTICLES ON THE ECONOMIC ZONE PLACE THE UNITED STATES IN THE MAINSTREAM OF THE PREDOMINANT TRENDS IN THE CONFERENCE, AND WE WERE PLEASED WITH THE FAVORABLE REACTION TO OUR PROPOSAL. WE WERE DISAPPOINTED HOWEVER AT THE SUPPORT, PARTICULARLY AMONG A NUMBER OF AFRICAN COUNTRIES, FOR AN ECONOMIC ZONE IN WHICH, EXCEPT

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FOR FREEDOM OF NAVIGATION AND OVERFLIGHT, AND FREEDOM TO LAY SUBMARINE CABLES AND PIPE LINES, THERE IS UNRESTRICTED COASTAL STATE JURISDICTION OVER RESOURCES, AS WELL AS SCIENTIFIC RESEARCH AND POLLUTION, AND WITH RESPECT TO WHICH THERE ARE NO INTERNATIONAL STANDARDS. MANY OF THE SAME COUNTRIES ARE SAYING THAT IF A PATTERN OF UNILATERALISM EMERGES, THIS--OR EVEN WORSE, A FULL 200-MILE TERRITORIAL SEA--WILL BE THE RESULT. WE BELIEVE THAT SPECIFYING THE RIGHTS AND DUTIES OF COASTAL STATES IS THE APPROACH BEST DESIGNED TO AVOID THE STERILE DEBATE OVER ABSTRACT CONCEPTS.

AT THE FINAL MEETING OF THE SECOND COMMITTEE ON AUGUST 28, THE CHAIRMAN, AMBASSADOR ANDRES AGUILAR OF VENEZUELA, MADE AN EXTRAORDINARY STATEMENT SUMMING UP ITS WORK. ON ITS OWN INITIATIVE, THE COMMITTEE DECIDED TO HAVE THE STATEMENT CIRCULATED AS AN OFFICIAL DOCUMENT. THIS OCCURRED AFTER INITIAL OPPOSITION BY THE 200-MILE TERRITORIAL SEA SUPPORTERS, WHICH WAS WITHDRAWN IN THE FACE OF OTHER DELEGATIONS' WILLINGNESS TO PROCEED TO A VOTE IF NECESSARY. BECUASE OF ITS GREAT IMPORTANCE AND THE UNIVERSAL RESPECT AND ADMIRATION EARNED BY CHAIRMAN AGUILAR FOR HIS STRONG AND EFFECTIVE LEADERSHIP, I WOULD LIKE TO QUOTE BRIEFLY FROM THAT STATEMENT.

BEGIN QUOTE. NO DECISION ON SUBSTANTIVE ISSUES HAS BEEN TAKEN AT THIS SESSION, NOR HAS A SINGLE ARTICLE OF THE FUTURE CONVENTION BEEN ADOPTED, BUT THE STATES REPRESENTED HERE KNOW PERFECTLY WELL WHICH

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC NIACT IMMEDIATE 5724

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ARE AT THIS TIME THE POSITIONS THAT ENJOY SUPPORT AND WHICH
ARE THE ONES THAT HAVE NOT MANAGED TO MAKE ANY HEADWAY.

THE PAPER THAT SUMS UP THE MAIN TRENDS DOES NOT PRO-
NOUNCE ON THE DEGREE OF SUPPORT WHICH EACH OF THEM HAD
ENLISTED AT THE PREPARATORY MEETINGS AND THE CONFERENCE
ITSELF, BUT IT IS NOW EASY FOR ANYONE WHO HAS FOLLOWED
OUR WORK CLOSELY TO DISCERN THE OUTLINE OF THE FUTURE
CONVENTION.

SO FAR EACH STATE HAS PUT FORWARD IN GENERAL TERMS
THE POSITIONS WHICH WOULD IDEALLY SATISFY ITS OWN RANGE
OF INTERESTS IN THE SEAS AND OCEANS. ONCE THESE POSITIONS
ARE ESTABLISHED, WE HAVE BEFORE US THE OPPORTUNITY OF
NEGOTIATION BASED ON AN OBJECTIVE AND REALISTIC EVALUATION
OF THE RELATIVE STRENGTH OF THE DIFFERENT OPINIONS.

IT IS NOT MY INTENTION IN THIS STATEMENT TO PRESENT
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A COMPLETE PICTURE OF THE SITUATION AS I SEE IT PERSONALLY,
BUT I CAN OFFER SOME GENERAL EVALUATIONS AND COMMENTS.

THE IDEA OF A TERRITORIAL SEA OF 12 MILES AND AN
EXCLUSIVE ECONOMIC ZONE BEYOND THE TERRITORIAL SEA
UP TO A TOTAL MAXIMUM DISTANCE OF 200 MILES IS, AT LEAST
AT THIS TIME, THE KEYSTONE OF THE COMPROMISE SOLUTION
FAVoured BY THE MAJORITY OF THE STATES PARTICIPATING
IN THE CONFERENCE, AS IS APPARENT FROM THE GENERAL DEBATE
IN THE PLENARY MEETINGS AND THE DISCUSSIONS HELD IN OUR
COMMITTEE.

ACCEPTANCE OF THIS IDEA IS, OF COURSE, DEPENDENT ON
THE SATISFACTORY SOLUTION OF OTHER ISSUES, ESPECIALLY
THE ISSUE OF PASSAGE THROUGH STRAITS USED FOR INTERNATIONAL
NAVIGATION, THE OUTERMOST LIMIT OF THE CONTINENTAL SHELF
AND THE ACTUAL RETENTION OF THIS CONCEPT AND, LAST BUT
NOT LEAST, THE ASPIRATIONS OF THE LAND-LOCKED COUNTRIES
AND OF OTHER COUNTRIES WHICH, FOR ONE REASON OR ANOTHER,
CONSIDER THEMSELVES GEOGRAPHICALLY DISADVANTAGED.

THERE ARE, IN ADDITION, OTHER PROBLEMS TO BE
STUDIED AND SOLVED IN CONNECTION WITH THIS IDEA, FOR
EXAMPLE, THOSE RELATING TO ARCHIPELAGOS AND THE REGIME
OF ISLANDS IN GENERAL.

IT IS ALSO NECESSARY TO GO FURTHER INTO THE MATTER
OF THE NATURE AND CHARACTERISTICS OF THE CONCEPT OF THE
EXCLUSIVE ECONOMIC ZONE, A SUBJECT ON WHICH IMPORTANT
DIFFERENCES OF OPINION STILL PERSIST.

ON ALL THESE SUBJECTS SUBSTANTIAL PROGRESS HAS BEEN
MADE WHICH LAYS THE FOUNDATIONS FOR NEGOTIATION DURING
THE INTERSESSIONAL PERIOD AND AT THE NEXT SESSION OF
THE CONFERENCE. END QUOTE.

MR. CHAIRMAN, PERHAPS THE MOST MARKED DIFFERENCES BE-
TWEEN THE POSITION OF THE UNITED STATES AND THAT OF A
MAJORITY OF OTHER STATES AT THE CONFERENCE EMERGED
IN THE FIRST COMMITTEE, WHICH DEALS PRINCIPALLY WITH THE
MINING OF MANGANESE NODULES IN THE DEEP SEABED FOR THE
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PRODUCTION OF NICKEL, COPPER, COBALT, AND PERHAPS CERTAIN
OTHER METALS. THE BASIC DIFFERENCES RELATE TO WHO WILL
EXPLOIT THE DEEP SEABED RESOURCES AND HOW THIS EXPLOITA-

TATION WILL TAKE PLACE. THE POSITION OF THE UNITED STATES IS THAT ACCESS TO THE RESOURCES SHOULD BE ON A NON-DISCRIMINATORY BASIS UNDER REASONABLE CONDITIONS THAT WILL PROVIDE THE SECURITY OF EXPECTATIONS NEEDED TO ATTRACT THE INVESTMENT NECESSARY FOR DEVELOPMENT OF THE RESOURCE AND THEREBY GENERATE INTERNATIONAL REVENUES TO BE USED FOR INTERNATIONAL COMMUNITY PURPOSES, PARTICULARLY FOR DEVELOPING COUNTRIES. A NUMBER OF DEVELOPING COUNTRIES HAVE SUPPORTED THE SO-CALLED "ENTERPRISE" CONCEPT UNDER WHICH THE ORGANIZATION WOULD UNDERTAKE AND CONTROL EXPLORATION AND EXPLOITATION ITSELF, AND WHICH, UNDER THE NEW FORMULA INTRODUCED BY THE DEVELOPING COUNTRIES AT CARACAS, WOULD FOR THIS PURPOSE HAVE DISCRETION TO CONTRACT WITH STATES AND PRIVATE COMPANIES TO PERFORM SUCH TASKS. HOWEVER, DURING THE LAST FEW WEEKS OF THE CONFERENCE REAL NEGOTIATIONS BEGAN ON THE BASIC CONDITIONS FOR EXPLOITATION WHEN THE FIRST COMMITTEE AGREED TO ESTABLISH A SMALL, INFORMAL NEGOTIATING GROUP. THIS GROUP WILL RESUME ITS WORK AT THE NEXT SESSION OF THE CONFERENCE AND WE HOPE THAT NEGOTIATIONS IN THIS CONTEXT AND DURING THE INTER-SESSIONAL PERIOD WILL LEAD TO A NARROWING OF DIFFERENCES AND A REALISTIC APPROACH THAT WILL PROMOTE THE DEVELOPMENT OF THE MINERAL RESOURCES OF THE DEEP SEABEDS. THE DIFFERENCE BETWEEN WHAT WE CALL REGULATION AND WHAT OTHERS CALL CONTROL MAY BE NARROWED IF WE CAN AGREE ON THE CONDITIONS OF EXPLOITATION, INCLUDING MEASURES TO ENSURE THAT EXPLOITATION ON A NONDISCRIMINATORY BASIS WILL TAKE PLACE, AND IF AGREEMENT CAN BE REACHED ON PROTECTING RELEVANT INTERESTS IN THE DECISION-MAKING PROCESS.

IN THE THIRD COMMITTEE OF THE CONFERENCE, THERE WERE MIXED RESULTS ON FORMULATING TREATY TEXTS FOR PROTECTION OF THE MARINE ENVIRONMENT AND OCEANOGRAPHIC SCIENTIFIC RESEARCH. WE WERE PLEASED THAT TEXTS CONCERNING THE PRESERVATION OF THE MARINE ENVIRONMENT WERE PREPARED ON

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TO SECSTATE WASHDC NIACT IMMEDIATE 5275

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SEVERAL POINTS INCLUDING BASIC OBLIGATIONS, PARTICULAR OBLIGATIONS, GLOBAL AND REGIONAL COOPERATION AND TECHNICAL ASSISTANCE. BUT BASIC POLITICAL ISSUES REMAIN TO BE RESOLVED ON JURISDICTION WITH RESPECT TO VESSEL-SOURCE POLLUTION AND ON WHETHER THERE WILL BE DIFFERENT OBLIGATIONS FOR STATES DEPENDING UPON THEIR STAGE OF ECONOMIC DEVELOPMENT--THE SO-CALLED DOUBLE STANDARD. WE BELIEVE THAT THE CARACAS SESSION BROADENED THE BASIS OF UNDERSTANDING OF THE COMPLEX PROBLEMS INVOLVED IN DRAFTING NEW LEGAL OBLIGATIONS TO PROTECT THE MARINE ENVIRONMENT, AND THERE WERE INDICATIONS THAT ALL STATES WERE ANALYZING THEIR ENVIRONMENTAL POLICIES IN DETAIL.

ON THE SCIENTIFIC RESEARCH ISSUE, THE VARIOUS PROPOSALS WERE REDUCED TO FOUR PRINCIPAL ALTERNATIVES REGARDING SCIENTIFIC RESEARCH WITHIN THE AREAS OF NATIONAL JURISDICTION. SOME STATES ADVOCATED A REGIME REQUIRING COASTAL STATE CONSENT FOR ALL RESEARCH.
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OTHERS SUPPORTED A MODIFIED CONSENT REGIME. THE UNITED STATES SUPPORTED A REGIME WHICH PLACES OBLIGATIONS ON THE STATE CONDUCTING THE RESEARCH TO NOTIFY THE COASTAL STATE, PROVIDE FOR ITS PARTICIPATION AND ENSURE SHARING OF THE DATA, AND ASSISTANCE IN INTERPRETING SUCH DATA. OTHER STATES PROPOSED COMPLETE FREEDOM OF SCIENTIFIC RESEARCH.

WE WERE ENCOURAGED BY THE FACT THAT FOR THE FIRST TIME STATES APPEARED TO BE MOVING TOWARDS SERIOUS NEGOTIATIONS ON THIS SUBJECT, INCLUDING SERIOUS CONSIDERATION OF OUR PROPOSAL.

MR. CHAIRMAN, WE KNOW THERE WILL BE DISPUTES WITH

RESPECT TO THE INTERPRETATION AND APPLICATION OF THE PROVISIONS OF THE TREATY. THE WILLINGNESS OF THE UNITED STATES AND MANY OTHERS TO AGREE TO A PARTICULAR BALANCE OF THE RIGHTS AND DUTIES OF STATES AND THE INTERNATIONAL AUTHORITY IS PREDICATED UPON REASONABLE CONFIDENCE THAT THE BALANCE WILL BE FAIRLY MAINTAINED. ACCORDINGLY, THE ESTABLISHMENT OF AN IMPARTIAL SYSTEM OF PEACEFUL AND COMPULSORY THIRD PARTY DISPUTE SETTLEMENT IS CRITICAL. WE WERE ENCOURAGED TO FIND AT THE CARACAS SESSION THAT THERE WERE STATES FROM ALL REGIONAL TROUPS THAT SUPPORT THE NEED FOR COMPREHENSIVE DISPUTE SETTLEMENT PROVISIONS. AT THE END OF THE SESSION, THE UNITED STATES CO-SPONSORED, WITH EIGHT OTHER STATES FROM DIFFERENT REGIONS, A WORKING PAPER CONTAINING ALTERNATIVE TEXTS OF DRAFT TREATY ARTICLES. THIS DOCUMENT WAS PRE-PARED, AND IS IN GENERAL SUPPORTED, BY A BROADER INFORMAL GROUP CHAIRED BY THE REPRESENTATIVES OF AUSTRALIA AND EL SALVADOR, FOR WHICH PROFESSOR LOUIS SOHN OF THE HARVARD LAW SCHOOL SERVED AS RAPPORTEUR. WE HOPE THIS DOCUMENT WILL FACILITATE THE DRAFTING OF TREATY ARTICLES ON THIS IMPRTANT ELEMENT OF THE CONVENTION.

WITH YOUR PERMISSION, MR. CHAIRMAN, I WILL SUBMIT FOR THE RECORD A COPY OF THE REPORT TRANSMITTED BY THE DELEGATION TO THE DEPARTMENT OF STATE ON AUGUST 30, AND COPIES OF ALL DRAFT ARTICLES SPONSORED OR CO-SPONSORED BY THE UNITED STATES. THE CONSOLIDATED TREATY TEXTS IN UNCLASSIFIED

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COMMITTEE II AND OTHER DOCUMENTS WILL BE TRANSMITTED TO THE COMMITTEE AS SOON AS WE RECEIVE THEM FROM THE UN SECRETARIAT.

MR. CHAIRMAN, IT IS MY FIRM CONVICTION THAT A COMPREHENSIVE TREATY IS OBTAINABLE WITHIN LESS THAN A YEAR. TO DO SO, GOVERNMENTS MUST BEGIN SERIOUS NEGOTIATION THE FIRST DAY AT GENEVA, AND TO PREPARE FOR THAT, THEY MUST DURING THE INTERSESSIONAL PERIOD APPRAISE THE ALTERNATIVES, MEET INFORMALLY TO EXPLORE POSSIBLE ACCOMMODATIONS THAT GO BEYOND STATED POSITIONS, AND SUPPLY THEIR DELEGATES WITH INSTRUCTIONS THAT PERMIT A SUCCESSFUL NEGOTIATION.

A MULTILATERAL CONVENTION OF UNPARALLELED COMPLEXITY AFFECTING SOME OF OUR NATION'S MOST VITAL ECONOMIC AND STRATEGIC INTERESTS IS WITHIN OUR REACH. WE CANNOT AND WILL NOT SIGN JUST ANY TREATY; BUT IN MY JUDGMENT WE WOULD BE TERRIBLY REMISS IN OUR RESPONSIBILITIES TO THE UNITED STATES AND TO THE INTERNATIONAL COMMUNITY AS A WHOLE IF WE WERE NOW TO OVERLOOK

BROADER AND LONGER-RANGE PERSPECTIVES. IN THE YEAR
AHEAD WE INTEND TO WORK DILIGENTLY AND CAREFULLY FOR A
CONVENTION THAT WILL PROTECT OUR INTERESTS IN THE BORADEST
SENSE OF THAT TERM. IN THIS ENDEAVOR, MR. CHAIRMAN, WE
TRUST THAT WE SHALL HAVE THE GUIDANCE AND SUPPORT OF
THE CONGRESS AND OF YOUR COMMITTEE.

THROUGH OUR MUTUAL COOPERATIVE EFFORTS I AM CERTAIN
THAT WE CAN TAKE THE NECESSARY STEPS AND DEVELOP CON-
STRUCTIVE INITIATIVES SO THAT ALL WILL AGREE THAT THE
UNITED STATES HAS DONE ALL IT COULD TO FOSTER A
SUCCESSFUL OUTCOME OF THE THIRD UN CONFERENCE
ON THE LAW OF THE SEA ON SCHEDULE IN 1975.

THANK YOU, MR. CHAIRMAN. END TEXT.
STEVENSON

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